

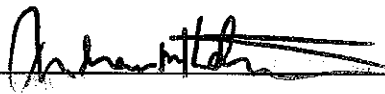
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Chapter No. 455  
16/HR26/R1651SG  
CST/NA

## ***HOUSE BILL NO. 1410***

Originated in House



Clerk

HOUSE BILL NO. 1410

AN ACT TO CREATE THE ASSET FORFEITURE TASK FORCE ACT; TO CREATE THE ASSET FORFEITURE TRANSPARENCY TASK FORCE; TO PROVIDE FOR THE MEMBERSHIP OF THE TASK FORCE; TO PROVIDE THE DUTIES OF THE TASK FORCE; TO PROVIDE STAFF TO ASSIST THE TASK FORCE; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

**SECTION 1.** This act shall be known and may be cited as the "Asset Forfeiture Task Force Act."

**SECTION 2.** The Legislature finds that:

(a) Under state and federal forfeiture laws, state law enforcement agencies can seize money, vehicles, and other property, have them sold and use the proceeds to fund agency budgets.

(b) It is the responsibility of the Legislature to monitor forfeiture because of the funds involved and the impact of these practices on enforcement of local and state criminal justice laws; and

(c) It is necessary to provide the Legislature with information for basic oversight of law enforcement agencies that

seize and forfeit private property under state and federal forfeiture laws.

**SECTION 3.** (1) There is created the Forfeiture Transparency Task Force to address the lack of transparency in certain civil and criminal seizures, forfeitures and disposition of real and personal property. The task force shall be composed of the following thirteen (13) members:

(a) The Chairman of the Judiciary "A" Committee of the House of Representatives, or a designee. Any person designated to serve in the absence of the Chairman shall be appointed in writing, and no other person may serve as a designee;

(b) The Chairman of the Judiciary "A" Committee of the Senate, or a designee. Any person designated to serve in the absence of the Chairman shall be appointed in writing, and no other person may serve as a designee;

(c) The Chairman of the Judiciary "B" Committee of the House of Representatives, or a designee. Any person designated to serve in the absence of the Chairman shall be appointed in writing, and no other person may serve as a designee;

(d) The Chairman of the Judiciary "B" Committee of the Senate, or a designee. Any person designated to serve in the absence of the Chairman shall be appointed in writing, and no other person may serve as a designee;

(e) The President of the Mississippi Prosecutors Association;

(f) The President of the Mississippi Sheriffs' Association;

(g) The President of the Mississippi Association of Chiefs of Police;

(h) The State Defender of the Office of State Public Defender;

(i) The Director of the Mississippi Justice Institute at the Mississippi Center for Public Policy;

(j) The Director/Managing Attorney of the Mississippi Office of the Southern Poverty Law Center;

(k) The Director of the Mississippi Bureau of Narcotics;

(l) The Chief Justice of the Supreme Court of Mississippi, or a designee. Any person designated to serve in the absence of the Chief Justice shall be appointed in writing, and no other person may serve as a designee; and

(m) The Mississippi Attorney General, or a designee. Any person designated to serve in the absence of the Attorney General shall be appointed in writing, and no other person may serve as a designee.

(2) The task force shall conduct its first meeting no later than June 15, 2016. At its first meeting, the task force shall elect a chairman and a vice chairman from its membership and shall adopt rules for transacting its business and keeping records. The Chief Justice of the Mississippi Supreme Court, or his designee,

shall preside at the first meeting until such chairman is elected. Members shall serve without additional compensation for participation in the task force.

(3) The duties of the task force shall be to: (a) review all civil asset forfeiture laws and make recommendations to the Legislature for amendments to Mississippi civil asset forfeiture laws that protect innocent property owners; (b) assure greater transparency; and (c) provide greater due process while ensuring that assets used or obtained through unlawful practices are removed from the possession of criminals.

(4) The task force shall collect and review information involving the seizure of property by a state or local law enforcement agency under state law, or as part of a collaboration with the federal government under federal law. The task force shall determine the specific information needed and shall make its request to each law enforcement agency and/or administrative office of court no later than August 15, 2016. Each law enforcement agency and administrative office of court shall cooperate fully with the task force, and shall compile and furnish the information no later than thirty (30) days from the date of request. The task force shall report to the Chairman of the Senate and House Judiciary "A" and "B" Committees any agency or administrative office that does not fully comply with the request.

(5) The task force shall report its findings and recommendations by December 1, 2016, and make them available to

the Governor, Lieutenant Governor, Speaker of the House of Representatives, the Chairman of the Judiciary "A" and Judiciary "B" Committees of the House and Senate. Additional reports may be made by the task force.

(6) The Joint Committee on Performance Evaluation and Expenditure Review shall make available a copy of the task force's report, findings and recommendations on its public website by December 31, 2016.

(7) The Joint Committee on Performance Evaluation and Expenditure Review shall provide staff to assist the task force in carrying out its duties required by this section.

(8) This section shall stand repealed on June 30, 2017.

**SECTION 4.** This act shall take effect and be in force from and after its passage.

PASSED BY THE HOUSE OF REPRESENTATIVES  
April 19, 2016




SPEAKER OF THE HOUSE OF REPRESENTATIVES

PASSED BY THE SENATE  
April 19, 2016



PRESIDENT OF THE SENATE

APPROVED BY THE GOVERNOR



GOVERNOR

May 3, 2016  
11:10 am